

## REMARKS

Three independent claims are pending in the application, 57 (device form), 62 (method form), and 67 (data carrier form). All three claims include the same elements which distinguish the claims over the prior art.

The claims stand rejected under §103 based on Baik in view of Wugofski. In the last rejection, the examiner said "Baik's only deficiency is that there is teaching for placing the smart buttons on a remote keypad." The examiner then found material in Wugofski which addresses this deficiency.

However, there is an additional deficiency in Baik with respect to the claimed invention. The examiner made an assumption that certain art is implicit in the Baik teaching which, in fact, is not taught or suggested by Baik. Specifically, Baik does not teach or suggest any method for the user to choose between a plurality of installed audio/video applications. The only method for a user to choose between applications that is implied by Baik is for the user to choose at the time of installation and install only one audio/video control application program. To highlight this distinction, the claims have been amended to add the word "installed".

With the introduction by Microsoft of "Windows Media Player", something similar to the claimed invention became possible with the Windows operating system. The Windows Media Player feature allows an audio/video program to register with the operating system to receive key event data from audio/video playback control keys if whatever program is "in the foreground" (has the keyboard focus) declines to receive and process them. The Microsoft programs that might be in the foreground and could make no use of this key event data, such as Word and Excel, were programmed not to accept the audio/video key event data offered by the operating system so these key event data would then be resent by the operating system to the registered audio/video program.

As amended, the claims distinguish this prior art from Microsoft by inclusion of the word "directly" along with a definition of what is meant by this word: "without first offering said key event data to said second application program".

The claimed method is far superior to the Windows Media Player method because the audio/video key stroke data can not be diverted from the user's choice of audio/video program by any other program that may be in the foreground, particularly including a rogue program that would take control away from the designated audio/video program without the user's explicit assent.

Further, if Baik were combined with Windows Media Player, the combined system would not function as specified by the claims because Baik intercepts the key event data and diverts audio/video control key event data to a single installed audio/video control program. The Windows Media Player method of allowing a user to select between audio/video control programs by effecting which is "registered" would not be brought into play.

For the reasons explained above, all the independent claims are allowable as amended and, therefore, the remaining dependent claims are also allowable. Claim 67 has been further amended to place it in what the applicant believes to be a form that is preferable to the previously worded "computer program" form but with no change in claim scope.

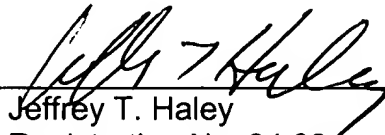
Allowance of the amended claims is respectfully requested.

In the event additional fees are due as a result of this amendment, payment for those fees has been enclosed in the form of a check. Should further payment be required to cover such fees you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

DATED this 8<sup>th</sup> day of June, 2005.

Respectfully submitted,

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